

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Emery et al. **GROUP:** 1774
SERIAL NO.: 10/768,415 **EXAMINER:** B. Shewareged
FILED: January 30, 2004
FOR: SHRINKABLE BATTERY LABEL

Commissioner for Patents

Sir:

RESPONSE

This is in response to the office action mailed on August 24, 2007.

The examiner's 103' rejections appear to be based on the belief that although the previously cited references, including in particular Lin et al. and Ast, lack any teaching of applicants' claimed onset shrinkage temperature of at least about 75°C, that teaching is provided by the newly cited Shih reference.

But that quite simply is not the case. In fact, Shih's teachings are in the opposite direction, away from applicants' invention.

More particularly, the label of the present invention is designed to be dimensionally stable at temperatures below an onset shrinkage temperature of at least about 75°C. In contrast, Shih's objective is to provide heat shrinkable films with substantially lower onset shrinkage temperatures at or below 60°C.

Thus, if Shih's teachings were to be combined with those of Lin et al. or Ast, as the examiner suggests, the resulting labels would undergo shrinkage at temperatures well below applicants' claims threshold of about 75°C.

As explained previously during the interview held on May 23, 2007, and as summarized in applicants' previous response, in the normal course of events batteries in shipping containers in transit

to packaging facilities can be exposed to temperatures on the order of 74°C, and batteries on vehicle dashboards are regularly exposed to temperatures on the order of 60°C.

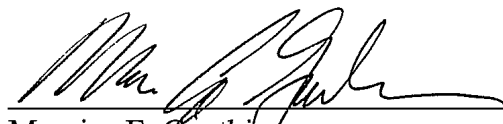
Under these conditions, batteries labeled with the Lin et al. or Ast labels, as modified by the teachings of Shih, would undergo secondary shrinkage. Again, as explained previously, secondary shrinkage can cause seam openings, with resulting exposure of adhesive, and so called “dog ears”, a term describing the lifting of label edges that overlap the ends of the battery.

Under the same temperature conditions, the labels of the present invention would remain dimensionally stable and as such, resistant to secondary shrinkage.

In summary, therefore, the newly cited Shih reference has as its objective the lowering of onset shrinkage temperatures to levels at or below 60°C. Thus, combining Shih’s teachings with those of Lin et al. or Ast would not result in labels with applicants’ claimed onset shrinkage temperature of about 75°C.

Thus, for at least the above reasons, applicants’ invention, as defined by the claims pending in this application, is not obvious in view of the cited references as applied by the examiner. The examiner’s rejections should therefore be withdrawn and this application passed to issue.

Respectfully submitted,



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